IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

WEDNESDAY, THE 15TH NOVEMBER 2006 / 24TH KARTHIKA 1928

WP(C).No. 465 of 2006(E)

PETITIONER:

MRS.V.BINDU, W/O.NB SUB M.SANKARA PILLAI
VIJAYA MANDIRAM, MEKKADU, CHAVARA P.O.,
KARUNAGAPPALLY TALUK, KOLLAM DISTRICT.

BY ADV. SRI.R.PARAMESWARAN NAIR

RESPONDENTS:

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1. UNION OF INDIA, REPRESENTED BY
THE DEFENSE SECRETARY, MINISTRY OF DEFENSE,
SOUTH BLOCK, NEW DELHI.

2. COMMANDING OFFICER,
TRAINING BATTALION I, MADRAS ENGINEER
AND CENTRE, BANGALORE-42.

3. SENIOR RECORD OFFICER FOR OIC RECORDS,
ABHILEKH KARYALAYA, RECORD OFFICE,
MADRAS ENGINEERING GROUP, P.B.NO. 4201,
BANGALORE-42.

4. MR.NB. SUB.M.SANKARA PILLAI,
KALAKKEZHATHU VEEDU, NETTIYATTU MURI,
PANMANA VILLAGE, KARUNAGAPPALLY TALUK,
KOLLAM DISTRICT.

R1 TO 3 BY ADV. SRI.N.NEELAKANTAN ELAYATH,CGC
R4 BY ADV SRI.V.J.JOSEPH

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 15/11/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.K.DENESAN, J.

WP(C)No. 465 OF 2006

Dated this the 15th November, 2006.

JUDGMENT

Heard counsel for the petitioner and counsel for the fourth respondent. None appears for respondents 1 to 3 despite service of notice. None of the respondents has filed counter affidavit.

2. Respondent No:4 was in the service of the second respondent. He retired from service with effect from 31.1.2005. The petitioner is the legally wedded wife of the fourth respondent. Two children have been born in that wedlock. The elder is a son, now aged 11 years and the younger is a daughter, now aged 4 years. The grievance of the petitioner is that in the service records of the fourth respondent as also those relating to the retirement benefits sanctioned to him by the respondents 1 to 3, no entry is seen made regarding the petitioner who is the wife of the fourth respondent or their children. When request was made in that behalf, the petitioner was directed to approach the Court of Law and produce orders from the Court.

3. The petitioner submits that unless necessary entries relating to the wife and children of the pensioner viz., the fourth respondent are entered in the relevant official records maintained by respondents 1 to 3, the

petitioner and the children may be deprived of their legitimate right to receive monetary benefits in the event of any future contingency compelling the petitioner and the children to claim such benefits as are payable to the legal heirs or the dependents of the fourth respondent.

4. I find substance in the above submission. There is nothing to show that the petitioner is not the wife of the fourth respondent. Specific averments made in this writ petition by the petitioner that she is the legally wedded wife of the fourth respondent and the two children stand uncontroverted. Hence, I am inclined to accept the averments in this writ petition as true. Even if the fourth respondent has not cared to supply necessary information relating to the particulars of his wife and children for due maintenance of the service records, since the petitioner has taken steps in that behalf and has supplied the required information, respondents 2 and 3 have got the duty to enter those particulars so that in case of contingency, the petitioner or the children will be in a position to claim such benefits as are payable to the widow or children of the fourth respondent, in accordance with rules.

5. In the result, this writ petition is allowed. I do not think it necessary to quash Ext.P4 since what is stated

in that order is that the petitioner shall produce an order from the competent court directing the respondents to make necessary entries. There shall be an order directing respondents 2 and 3 to include the name of the petitioner and that of the two children as the family members/ dependents/legal heirs of the fourth respondent, in all relevant service records and to issue an authenticated copy of the relevant records or entries as the case may be to the petitioner so that the same can be made use of for future purposes. No other directions are necessary.

Petitioner shall forward a copy of this judgment to the respondents for due information and action.

K.K.DENESAN
Judge

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